

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert MARTUZA et al.
Title: REPLICATION-
COMPETENT HERPES
SIMPLEX VIRUS
MEDIATES DESTRUCTION
OF NEOPLASTIC CELLS
Appl. No.: 10/748,233
Appl. Filing Date: 12/31/2003
Examiner: Wu Cheng Winston Shen
Art Unit: 1632
Confirmation
Number: 7116

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

☐ Please enter and consider the amendment and/or reply previously filed on __.

☐ Please consider the Affidavit(s)/Declaration(s) previously filed on __ but not considered.

☐ Please consider the arguments in the Appeal Brief or Reply previously filed on __.

☐ Other __.

b. Enclosed are:

☒ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☐ Information Disclosure Statement.

☐ Form PTO/SB/08 with copies of ____ listed reference(s).

☐ Other .

Miscellaneous:

☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of __ months.

The filing fee is calculated below:

| | Claims as Amended | Previously Paid For | Extra Claims Present | Rate | Fee Totals | |
|------------------|-------------------|---------------------|----------------------|------------|------------|----------|
| RCE Fee 1.17(e): | | | | \$810.00 | = | \$810.00 |
| Total Claims: | 11 | - 20 | = 0 | x \$52.00 | = | \$0.00 |
| Independents | 1 | - 3 | = 0 | x \$220.00 | = | \$0.00 |

| | | | | |
|--|---|----------|---|------------|
| First presentation of any Multiple Dependent Claims: | + | \$390.00 | = | \$0.00 |
| CLAIMS FEE TOTAL: | | | | = \$810.00 |

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

| | | | | |
|-------------------------------------|---|------------|---|----------|
| <input checked="" type="checkbox"/> | Extension for response filed within the first month: | \$130.00 | 1 | \$130.00 |
| <input type="checkbox"/> | Extension for response filed within the second month: | \$490.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the third month: | \$1,110.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fourth month: | \$1,730.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fifth month: | \$2,350.00 | | \$0.00 |
| EXTENSION FEE SUBTOTAL: | | | | \$130.00 |
| EXTENSION FEE ALREADY PAID: - | | | | \$0.00 |
| EXTENSION FEE TOTAL | | | | \$130.00 |
| CLAIMS AND EXTENSION FEE TOTAL: | | | | \$940.00 |
| <input checked="" type="checkbox"/> | Small Entity Fees Apply (subtract ½ of above): | | | \$470.00 |
| <input type="checkbox"/> | Suspension of action requested under 37 C.F.R. § 1.103(c) | | | \$0.00 |
| TOTAL FEE: | | | | \$470.00 |

The above-identified fees of \$470.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

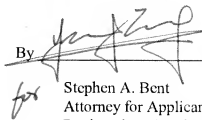
Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date 18 December 2008

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Respectfully submitted,

By



for Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

YANG TANG

Reg. No. 55, 663